

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION –MAY 9, 2022**

**Assembly**

The McDowell County Board of Commissioners met in Regular Session on Monday, May 9, 2022, at 5:00p.m., in the Commissioners Board Room in the McDowell County Administrative Offices, 69 N Main Street, Marion, NC.

**Members Present**

Tony Brown, Chairman; David N. Walker, Vice-Chair; Brenda Vaughn; Chris Allison; Patrick Ellis

**Members Absent**

None

**Others Present**

Ashley Wooten, County Manager; Cheryl Mitchell, Clerk to the Board, Fred Coats, County Attorney

**Call to Order**

Chairman Brown called the meeting to order at 5:00pm. The invocation was given by Commissioner Allison, and the pledge of allegiance was given by Commissioner Vaughn.

**Approval of Minutes**

Vice Chairman Walker made a motion to approve the April 8, 2022 Special Session minutes, April 11, 2022 Regular Session minutes, April 14, 2022 Recessed Session minutes, April 18, 2022 Regular Session minutes, April 18, 2022 Closed Session minutes, April 19, 2022 Recessed Session minutes, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

**Approval of Agenda**

Vice Chairman Walker made a motion to approve the agenda, second by Commissioner Allison. By a vote of 5-0 the motion passed.

**Community Health Assessment Update/Environmental Health Fees**

Public Health Director, Karen Powell, gave a presentation on the McDowell County Health Assessment for 2021. A copy is with the agenda materials.

WNC Healthy Impact collects data from different sources, compiles the information, and sends the findings to the local health departments.

The top 5 data highlights were:

- 2018 mental health priority decreased 1.9% in 2021
- The percentage of current smokers in 2018 decreased from 21.9% to 17.7% in 2021
- The obesity percentage from 2018 to 2021 increased by 8.1%
- The percent of individuals who experienced overall “poor” or “fair” health decreased from 26.6% in 2018 to 19.3% in 2021
- The 3 causes of deaths are: diseases of the heart, cancer and chronic lower respiratory diseases

Positive trends: Community Strengths

- Decrease in high-school dropouts
- Decrease in second-hand smoke intake
- Decrease in COPD percentage
- Decrease in food insecurity
- Slight decrease in diabetes percentage

Impacts from COVID-19 pandemic:

- Stress impacts from worrying about paying rent or mortgages
- Not receiving medical care that was needed or mental health care or counseling
- Food insecurity
- Unemployment rate increase

Community Health Assessment Priorities:

- Lack of health insurance---17.6% of the county is without health insurance compared to 8.7% at the US level; MATCH program is helping to lower this percentage; in 2021 7,845 individuals in the community lacked health insurance
- Unintentional injuries---from 2015 to 2019 the unintentional injury rate increased to 47% from 45.1%; 153 overdoses from 1/1/21-1/1/22
- Obesity---County is at 42.3% for 2021 compared to 34.0% at the state level; 73.3% of community leaders see obesity in the county a major health problem

Ms. Powell noted the Health Dept will be having a community meeting in May with a complete presentation of the 50-page assessment.

Ms. Powell presented Environmental Health Services fee increases that Rutherford County Board of Commissioners approved in December:

- New on-site wastewater system evaluation up to 240 GPD from \$350 to \$400; 240 GPD from \$400 to \$450; 360 GPD from \$500 to \$550; 480 GPD from \$550 to \$600; 600 GPD from \$600 to \$650; 720 GPD from \$700 to \$750
- Existing on-site wastewater system inspection—increase from \$75 to \$100
- Existing on-site well re-visit fees from \$75 to \$100
- New drinking water well evaluation and permit from \$400 to \$450

Ms. Powell also reported there were 20 inspections waiting to be done, which put them at 2 weeks behind. There are two inspectors in McDowell County.

Vice Chairman Walker made a motion to approve the fee schedule as presented, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

## **Economic Development Public Hearing**

Chairman Brown declared the Board in public hearing setting at 5:24pm to receive public comments pursuant to NCGS 158-7.1 regarding economic development incentives for the rehabilitation of a historic structure of the former Marianna Hotel. The project involves building sixteen residential rental units and two retail rental units while following historic rehabilitation guidelines. The total investment is expected to exceed \$4 million. The incentive payments would be based on the new property tax revenue to be generated above the existing assessment, and would be effective the tax year after the renovation is completed. The first year payment would be equivalent to 100% of the new property tax revenue; the second year 80%; the third year 60%; the fourth year 40%; and the fifth year 20%. McDowell County has determined that the value of such benefit as calculated under NCGS 158-7.1 would be at least equal to the benefits provided.

Mr. Rodderick is developing the old Marianna Hotel and noted that DH Griffin Contractors are currently gutting the building. The finished construction will be five apartments on the second and third floors; three apartments on lower street level; and three apartments on lower back parking lot; and two commercial units on the front.

There were no comments from the public.

Vice Chairman Walker made a motion to go out of public hearing setting at 5:29pm, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Vice Chairman Walker made a motion to approve the incentive as presented, second by Commissioner Allison. By a vote of 5-0 the motion passed.

## **Comprehensive Land Use Plan Update**

Per NCGS 160D the County must adopt a Comprehensive Land Use Plan to regulate land use. McDowell County's plan was adopted in 1993, and this is the first update to the plan. The County contracted with the Foothills Regional Commission to assist in the update of the plan. There were four far reaching goals and objectives laid out for the future of McDowell County. A copy of the plan is with the agenda materials.

1. Promote planned commercial, recreational, and residential growth in harmony with areas most suitable for development while preserving community character and protecting the County's natural resources.
2. Provide a balanced recreation and open space system that meets the current and future needs of all segments of the community.
3. Promote a range of affordable housing units to meet the diverse needs of existing and future County residents, to include senior, affordable and workforce housing.
4. Provide a transportation system, which will allow for the safe, efficient, and convenient movement of people and goods.

The Planning Board adopted the plan at the April meeting. A public hearing would be held at the June 13 Regular Session meeting of the Board of Commissioners.

## **County Social Media Policy**

Maria Preswood and Maeva Hussani gave a presentation on county social media use and a proposed policy. A copy of the presentation and draft policy is with the agenda materials.

Request was made for one annual shooting range pass valued at \$150, and 15 daily passes valued at \$75 to be used as giveaway prizes for a scavenger hunt and social media interaction.

Commissioner Ellis made a motion to approve the scavenger hunt and tickets, second by Vice Chair Walker. By a vote of 5-0 the motion passed.

## **American Rescue Plan Updates (ARPA)**

Mr. Wooten presented American Rescue Plan Amendment #4 and Amendment #5 for approval.

Vice Chairman Walker made a motion to approve both Amendment 4 and 5 to the American Rescue Plan Act as presented, second by Commissioner Allison. By a vote of 5-0 the motion passed.

## **Broadband Expansion**

Mr. Wooten reported Spectrum and Optimum had submitted GREAT broadband grants to the State by the May 4<sup>th</sup> deadline. Both grant applications were credited for the County's contribution.

The next opportunity is the Completing Access to Broadband (CAB) grant. As close as possible the two broadband providers will provide for the entire county.

## **Building Projects Update**

### **North Main Building**

Certificate of occupancy has been received, and waiting on IT to be completed.

### **ES Headquarters**

Scheduled to move next week; backup generator is still on back order. A ribbon cutting will be scheduled and announced soon.

### **Services Building**

A Request for Qualifications for Architectural services is being issued for the planned renovation work at the Services Building.

### **Paving**

Staff had advertised a Request for Qualifications for Engineering for the paving work that was discussed last month. The concept would be to identify a firm who would develop a plan for paving and/or repairing the County's many driveways and parking lots.

### **Water System Projects**

The County's engineer is doing design work on Phase 1 of the Nebo Water System expansion project. Phase 1 is the area around Ned McGimsey and Jack Corpening Roads. Phase 2 would connect run lines westward along Old No 10/Memorial Park Rd.

Mr. Wooten added staff had submitted a grant application for Hoppy Tom Hollow Rd project.

West Marion Elementary School area scored poorly, but staff has spoken with an engineer who has worked in that area. Staff suggested advertising a Request for Qualifications for engineering services.

Vice Chairman Walker made a motion for staff to advertise a Request for Qualification for engineering services, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

### **Parks and Recreation Projects**

The Shooting Range had a ribbon cutting event last week, and has had a soft opening. Board has requested the entrance road be paved, and Wildlife has indicated that could be covered as a maintenance project.

Holland and Hamrick have made site visits and held discussions at the recreation center project. The goal is to have sketches and cost estimates soon.

Staff have been working on the Maple Leaf Project. A grant has been submitted to the Kubota Hometown Proud Program. In addition, staff are working on the T-Mobile grant, and both grants would total \$150,000 if funded. A state funded playground grant application is being evaluated.

### **Personnel Policy Review Request**

Anna Lee, Human Resources Director, noticed there were several items that needed to be updated in the County Personnel Policy for regulatory compliance. Staff requested authority to review the policy and bring back recommendations.

Vice Chairman Walker made a motion to approve staff reviewing all personnel policies, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

### **Glenwood Ruritan Road Closure Request**

An Ordinance Declaring a Road Closure for the 2022 Gold Rush Run 5K was presented for approval:

#### **AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE 2022 GOLD RUSH RUN 5K**

**WHEREAS**, the McDowell County Board of Commissioners are supportive of events held by various community groups; and

**WHEREAS**, the Glenwood Ruritan is planning to hold the second Gold Rush Run 5K race on Saturday, June 4, 2022; and

**WHEREAS**, the McDowell County Board of Commissioners recognizes that this Run requires approximately one- and three-quarter hours to install signing and traffic control, hold the Run and for the removing of signs, traffic control, and litter;

**NOW THEREFORE BE IT ORDAINED** by the McDowell County Board of Commissioners pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Date: Saturday, June 4, 2022

Time: 7:45 a.m. to 9:30 a.m.

Route Description: 1250 SR 1781 Polly Spout Rd to 3000 Polly Spout Rd.

This ordinance to become effective when signs are erected giving notice of the limits and times of the event, and implementation of adequate traffic control to protect participants and to guide vehicles around the event route.

Adopted this 9<sup>th</sup> day of May, 2022.

ATTEST:

\_\_\_\_\_  
Cheryl Mitchell  
Clerk to the Board

\_\_\_\_\_  
Tony G. Brown  
Chairman

Vice Chairman Walker made a motion to approve the Ordinance Declaring a Road Closure for the 2022 Gold Rush Run 5K, second by Commissioner Allison. By a vote of 5-0 the motion passed.

**Administrative Items**

Mr. Wooten presented the following for approval:

**RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY**

**WHEREAS**, the County of McDowell owns certain items of personal property that has become surplus for its current needs; and

**WHEREAS**, North Carolina General Statute 20-187.2 permits the County to donate the badge worn by a Law Enforcement Officer upon their retirement or death; and

**WHEREAS**, Deputy Robert Green has requested to receive his service badge and purchase his service weapon upon his retirement.

Make/Model: Glock 45  
SN#: BLKD838

**NOW, THEREFORE BE IT RESOLVED**, by the McDowell County Board of Commissioners that the Board authorizes the donation of the service badge and purchase of the following service weapon to Deputy Robert Green for \$1.00:

This resolution shall become effective upon adoption.

**ADOPTED** this 11<sup>th</sup> day of April, 2022

Attest:

\_\_\_\_\_  
Cheryl L. Mitchell  
Clerk to the Board

\_\_\_\_\_  
Tony G. Brown  
Chairman

EMS write-offs totaling \$ \$37,556.07 were presented for approval.

The Juvenile Crime Prevention Council requested their annual plan to be adopted.

The City of Marion informed the Board the additional trail realignment and paving work to repair the flood damage to the greenway would be a maximum of \$36,515 split three ways. The County's share would be \$12,172.

Ebenezer Christian Children's Home requested a waiver of the building inspection fees for the construction of a foster facility near Old Fort.

Staff presented financing approval of six vehicles for the Sheriff's Office. First Citizens responded with the lowest rate of 2.91% in the amount of \$311,210.00 for a period of four years (8) semi-annual payments in arrears beginning December, 2022. The vehicles were one (1) 2022 Dodge Durango, one (1) Ford F150, one (1) 2022 Ford transit 350 and three (3) 2022 Ford Explorers.

McDowell Transit requested approval of the annual update to their ADA policies.

Vice Chairman made a motion to approve all administrative items, second by Commissioner Allison. By a vote of 5-0 the motion passed.

### **Tax Matters**

Ms. Onufrey requested approval of an amendment to the prior resolution increasing the minimal amount billed from \$3.01 to \$5.01.

## **RESOLUTION DIRECTING THE McDOWELL COUNTY TAX COLLECTOR NOT TO COLLECT MINIMAL TAXES**

**WHEREAS**, NCGS 105-321(f) authorizes the governing body of a taxing unit that collects its own taxes to direct, by resolution, its Tax Collector not to collect minimal taxes charged on the tax records and receipts; and

**WHEREAS**, minimal taxes are defined by NCGS 105-321(f) as the combined taxes and fees of the taxing unit and any other units for which it collects taxes, due on a tax receipt or on a tax notice in a total original principal amount that does not exceed an amount, up to \$5.00, set by the Governing Body; and

**WHEREAS**, the McDowell County Tax Collector has determined that the estimated cost to County of McDowell of billing and collecting for the amounts due on a tax receipt or tax notice is \$3.65;

**BE IT THEREFORE RESOLVED** by the McDowell County Board of Commissioners that the McDowell County Tax Collector is directed not to collect the combined taxes and fees for McDowell County and all districts of governmental agencies for which the County collects taxes; due on a tax receipt prepared pursuant to GS 105-320 or on a tax notice prepared pursuant to GS 105-330.5, when the total original principal amount is \$5.00 or less; and

**BE IT FURTHER RESOLVED** that pursuant to NCGS 105-321(f) the Tax Collector shall not bill the taxpayer for, or otherwise collect, such minimal taxes but shall keep a record of all such minimal taxes by receipt number and amount, and shall make a report of the amount of these taxes to the McDowell County Board of Commissioners at the time of settlement; and

This Resolution shall be in effect with respect to Fiscal Year 2022-2023 and shall remain in effect until amended or repealed by resolution of the McDowell County Board of Commissioners.

**ADOPTED** this the 9<sup>th</sup> day of May, 2022.

Attest:

\_\_\_\_\_  
Cheryl L. Mitchell

\_\_\_\_\_  
Tony G. Brown, Chairman

MV tax refunds	\$ 1,206.32
Releases under \$100	\$ 538.48
Discoveries	\$ 17,745.96

Commissioner Vaughn made a motion to approve the Resolution Directing the McDowell County Tax Collector Not to Collect Minimal Taxes, and all tax matters, second by Commissioner Allison. By a vote of 5-0 the motion passed.

### **Board Appointments**

The Clerk presented the first reading for the two vacancies of the McDowell Tech Board of Trustees.

The Foothills Workforce Development Board requested the reappointment of Mark Webber and Nikki Pittman.

The Agricultural Advisory Board had two applicants: Nathan Geisler and Lynn Khan

The Juvenile Crime Prevention Council had six Commissioner vacancies and the following applicants: Amy Lamb; Carla Tompkins; Jacob Calvert; Lisa Morgan; Jason McDougald; Meghan Riddle. The following were presented for reappointment: Mike Hensley; Kimberly smith; Donna Bruce; Adrian Early; Brenda Vaughn; Caden Gettys; Lake Silver; Ashley Ingram; Lloyd Cuthbertson

By written ballot the Board approved all applicants and reappointments unanimously.

### **Citizen Comment**

Chairman Brown opened the floor for citizen comment at 6:13pm.



Jeff Dreibus asked questions regarding the 10% raise recently approved by the Board.

Nikki Chester would like tighter leash laws. Neighbor asked to keep animals on their property, neighbor dog attacked foster dog and bit her 6-yr old son.

Marilyn Foreman wants a workshop to discuss the animal situation in the county. Staff will have a workshop in June.

Joy Harklerode work on ordinances regarding animal abandonment, and animals being leashed. Strays and feral cats continue to be an issue, and would like more owner responsibility.

Citizen comment ended at 6:33pm.

### **Commissioners/Staff Reports**

Mr. Wooten noted the Board had an invitation to a Legislative Breakfast hosted by MEDA and the Chamber at the Jubilee Arbor at the Carson House on Thursday, May 12<sup>th</sup> at 9am. That evening the Board will meet with the Fire Commission at 6:00pm at the EOC.

### **Closed Session**

Chairman Brown announced the Board needed to go into Closed Session pursuant to NCGS 143-318.11(6) to discuss a personnel matter.

Commissioner Vaughn made a motion to go into Closed Session at 6:40pm, second by Commissioner Allison. By a vote of 5-0 the motion passed.

### **Recess**

Commissioner Ellis made a motion at 7:03pm to come out of Closed Session and to recess to Thursday, May 12, 2022 at 6:00pm at the EOC to meet with the Fire Commission, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Attest:

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Cheryl L. Mitchell  
Clerk to the Board

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Tony G. Brown  
Chairman